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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,162	04/20/2001	Jeffrey Richard Conrad	10006663-019	9023

7590 01/17/2006

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EXAMINER

LIN, WEN TAI

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/838,162	CONRAD ET AL.	
	Examiner	Art Unit	
	Wen-Tai Lin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 December 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 and 10-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Claims 1-7 and 10-19 are presented for examination. Claims 1-7 and 10-19 have been amended.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 102

3. Claims 1-2, 10 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki[U.S. pat. No. 5796736].

4. As to claims 1-2, Suzuki teaches the invention as claimed including: a method of discovering nodes in a network in real time comprising:

seeding a discovery process using at least one of querying a user to provide a first node information and searching a database of nodes previously discovered by the network manager to identify the first node [e.g. col.11, lines 13-27; i.e., for a NMS outside the network, a first node is retrieved from previously discovered information (e.g., Fig.12)];

transmitting a signal from a network manager to the first node of the network, wherein the signal requests information contained in a management information base of the first CDP

node regarding additional nodes known to the first node; receiving a response that identifies the additional nodes known to the first node; repeating the transmitting and receiving steps for each additional node identified [e.g., Figs. 13-14; col.10, line 36 – col.11, line 54]; and storing a list containing addresses of all identified nodes [e.g., Fig.16].

5. As to claim 10, Suzuki teaches that the method further comprising: performing the discovery process based upon a user's request or at fixed time intervals [e.g., col.16, lines 28-37].
6. As to claim 14, Suzuki further teaches that the list further comprises at least one of information on the interrelation of the identified nodes, device identification information, and device type information [e.g., Fig.11].
7. As to claims 15-16, since the features of these claims can also be found in claims 1-2, 10 and 14, they are rejected for the same reasons set forth in the rejection of claims 1-2, 10 and 14 above.

8. Claims 3-7 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki [U.S. pat. No. 5796736], as applied to claims 1-2, 10 and 14-16 above, further in view of Ahearn et al.(hereafter "Ahearn")[U.S. Pat. No. 5926463].

9. As to claims 3-7, Suzuki does not specifically teach imposing limits on a depth and/or breadth search for additional nodes by establishing a maximum hop limit or a recursion depth limit.

However, in the same field of endeavor Ahearn teaches including a maximum hop count field in a trace query to limit the number of hops traced before a response is returned [col.14, lines 32-37] and that a user is free to create a hierarchy of limitless depth (i.e., of any specified depth) to suit his/her needs, if such a representation is desirable [col.23, lines 9-26]. In light of this teaching, it is obvious that Suzuki's method could also impose limitations on the size of the network (i.e., in depth and breadth), because this is a practical approach in dealing with a large network, wherein unrelated, distant nodes can be excluded from the discovery process.

10. As to claims 17-19, since the features of these claims can also be found in claims 1, 3-7 and 16, they are rejected for the same reasons set forth in the rejection of claims 1, 3-7 and 16 above.

11. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki [U.S. pat. No. 5796736], as applied to claims 1-7, 10 and 14-19 above, further in view of Official Notice.

12. As to claims 11-12, Suzuki does not specifically teach that the method further comprising:

displaying the identified nodes in a Graphical User Interface; and
modifying the list in real time to facilitate real time display of identified nodes as each node is identified, wherein the real time display is presented as a graphical topology of the network on a Graphical User Interface.

However, Official Notice is taken that network topology detection tool normally is equipped with Graphical User Interface for user to identify area of interest and facilitate real time display of identified nodes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate Suzuki's automatic topology discovery method into a display system as such because the capability of real-time display would facilitate management of the network [col.11, lines 45-54].

13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki [U.S. pat. No. 5796736], as applied to claims 1-7, 10-12 and 14-19 above.

14. As to claim 13, Suzuki does not specifically teach that the network manager is Network Node Manager, which is a network management tool from Hewlett-Packard.

However, it is well known in the art that a variety of network management tools are available for initiating the discovery of network configuration, monitoring, and graphically

displaying the collected information. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the Network Node Manage may optionally be adopted as a network manager in Suzuki's system because it is a proven network management tool and employing an existing tool could save one from developing a new network manager.

15. Applicant's arguments filed on 12/3/2005 for claims 1-7 and 10-19 have been fully considered but are moot in view of the new ground(s) of rejection.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(571)273-8300 for official communications; and

(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

January 10, 2006


1/10/06